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DEPT. OF TRANSPORTATION
DOCKET

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June 5, 2002

Dockets Management System
U.S. Department of Transportation
Room PL 401
400 Seventh St., SW
Washington, DC 20590-0001

RE: Hoffman Fuel of Bridgeport Comments on DOT's Notice of Proposed Rulemaking on Hazardous Materials: Security Requirements for Offerors and Transporters of Hazardous Materials

Docket No. RSPA-02-12064 (HM232) - 51

Docket Clerk:

On behalf of my business, Hoffman Fuel of Bridgeport, I would like to take the opportunity to comment on the Research and Special Programs Administration's (RSPA) proposed rule to increase security requirements for offerors and transporters of hazardous materials. In particular, I would like to comment on the proposed requirements for shipping papers.

Hoffman Fuel of Trumbull retails home heating oil to approximately 20,000 homeowners in Fairfield County, Connecticut. The average number of deliveries per day is 1,300 (wintertime).

It is common practice to have multiple deliveries of heating oil throughout the day. The shipment locations may be known for some deliveries, but there are numerous instances where the location of a particular delivery is not known until the truck has already begun its route. In other words, not every gallon of heating oil is accounted for when loaded at the bulk plant. For example, a driver making home heating oil deliveries frequently gets calls during the day asking him to make a new delivery to a different home. This situation happens all of the time.

Does a change of route nullify the original shipping paper and therefore the driver is out of compliance? If a driver gets a call to make an additional delivery, where will the origination point be the address where he picked up the fuel or the address of his last delivery? Who will be the consignor? What will the additional paperwork accomplish?

Many of my deliveries are to farms, construction sites, and very small towns. The new proposal would require a formal street address of the delivery, but there are instances when there is no

US Department of Transportation
June 5, 2002
Page Two

street address because the location is so remote. Is the driver out of compliance when what they are being required to do is impossible?

Finally, I fail to see how this requirement would stop a terrorist from highjacking a truck. For instance, are the state police or officials from DOT going to verify the route by checking with the bulk plant to see if the shipment was picked up and then verify with the person who was supposed to receive the shipment that he actually did? Are there going to be random stops to look for terrorists? If not, then the additional requirements will only be reviewed at normal stops. Since determining the delivery vehicle's schedule will only be discovered after the fact, this regulation has no real effect on security.

I understand the need for a heightened awareness of security issues for hazardous materials after the terrorist attacks on September 11, 2001. But these new regulations regarding shipping papers fail in almost every way to prevent an unauthorized individual from highjacking a truck. This regulation will only add volumes of paperwork and time, which as a small business owner, I cannot afford.

Thank you for your consideration of my comments. If you have any questions on the above, or would like to speak with us further about our concerns, please do not hesitate to contact me at (203) 396-5550.

Sincerely,

A handwritten signature in black ink that reads "Dave Bates" with a stylized flourish at the end.

Dave Bates / *km*
Company Manager

DB:rl